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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,985	09/26/2000	Hanumant K. Yadav	MSI-615US	4395

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EXAMINER

DAS, CHAMELI

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/670,985

Applicant(s)

YADAV, HANUMANT K.

Examiner

C.DAS

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

1. Claims 1-31 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 6-7, 10-11, 14-15, 17-19, 22-27, 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Lennert et al (Lennert), US 6,169,994).

### *As per claim 1, 11, 17, Lennert discloses:*

- a program module update system (column 4, lines 20-23, column 5 lines 49-51)
- a determination unit for determining whether a hardware specific program module is an updated program module (column 9 lines 20-40)

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- a source-redirection unit for specifying a source locus for a program module as claimed (column 9, lines 12-41).

***Claim 24 is*** rejected under the same reason set forth in connection to the rejection of claim 1 and further Lennert discloses a computer readable medium (column 10, lines 37-38), having computer executable instructions (column 4, lines 45-47).

***Claim 25 is*** rejected under the same reason set forth in connection to the rejection of claim 1 and further Lennert discloses a modulated signal (column 6 lines 22-29).

***As per claim 2, 18, Lennert discloses:***

- a list generator for providing a list of hardware-specific program modules (column 8, lines 43-55)

- wherein the determination unit determines whether a module listed in such list is an updated module (column 9, lines 6-41).

***As per claim 3, 19, 27, Lennert discloses:***

- for copying a hardware specific program module from the specified source locus to a target locus (column 2, lines 22-28 and column 8, lines 57-63).

***As per claim 6, 14, 22, 30, Lennert discloses:***

- wherein the source locus is remotely connected via a network as claimed (column 9 lines 12-20).

***As per claim 7, 15, Lennert discloses:***

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- a software installation application comprising a program module update system (column 2 lines 36-38, column 12, lines 30-31).

***As per claim 10, Lennert discloses:***

- a source redirection unit for specifying a source locus for a hardware specific program module to be copied to a target locus (column 9, lines 12-41, column 2, lines 22-28, column 8, lines 56-60)

- program module copier for copying source locus to the target locus (column 2, lines 22-28)

***For claim 23 and 31 (column 4 lines 40-47).***

***As per claim 26, Linnert discloses:***

- a method of updating a program module (column 4, lines 20-23, column 5 lines 49-51)

- obtaining a list of program -module data structures as claimed (column 8 lines 18-22, column 8 lines 43-46)

- examining such list and determining whether a program module is an updated program module (column 9, lines 30-40)

- modifying the data structure associated with a program module determined to be an updated program module as claimed (column 9 lines 12-41).

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-5, 12-13, 20-21, 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennert et al (Lennert), US 6,169,994)

*As per claim 4, 12, 20, 28*, Lennert discloses source locus is in a storage (column 1 lines 8-12).

Lennert does not specifically disclose that the storage is non-removable storage medium. Official notice is taken for storing the data in the non-removable storage medium. It would have been obvious to one of the ordinary skill in the art at the time of invention was made to store the data or program in a non-removable storage medium because one of the ordinary skill in the art would do not want to loose the data or program and store the data for future.

*As per claim 5, 13, 21, 29*, Lennert discloses source locus is in a storage (column 1 lines 8-12).

Lennert does not specifically disclose that the storage is removable storage medium. Official notice is taken for storing the data in the removable storage medium. It would have been obvious to one of the ordinary skill in the art at the time of invention was made to store the data or

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program in a removable storage medium because one of the ordinary skill in the art would do not want to keep the data for long time and want to replace the old data with the new data in the storage.

**6. Claims 8-9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennert et al (Lennert), US 6,169,994 in view of Marron, US 5,359,730.**

*As per claim 8 and 9, 16,* Lennert does not disclose operating system update. However, Marron disclose operating system update (column 6, lines 45-49). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention was made to incorporate the teaching of Marron to update the operating system to the teaching of Lennert because one of the ordinary skill in the art would want to install the updated software in the system efficiently by replacing old operating system with new updated operating system.

**7.** The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Method and system for downloading updates for software installation , US 6493871 B1

TITLE: Method for creating and modifying similar and dissimilar databases for use in hardware equipment configurations for telecommunication systems, US 6169994 B1

TITLE: State copying method for software update, US 6463584 B1

TITLE: Method of operating a data processing system having a dynamic software update facility, US 5359730 A

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TITLE: System and method for improved software configuration and control management in multi-module systems, US 6493594 B1

TITLE: Establishing synchronization of hardware and software I/O configuration definitions, US 5257379 A

TITLE: Method and apparatus for managing and automatically updating software programs, US 5732275 A

TITLE: System and method for distributing configuration-dependent software revisions to a computer system, US 5867714 A

TITLE: Technique for automatically updating software stored on a client computer in a networked client-server environment, US 6167567 A

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 703-305-1339.

The examiner can normally be reached on Monday-Friday from 8:00 A.M to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Greg Morse can be reached at 703-308-4789. The fax number for this group are:

(703) 746-7239 (official fax), (703) 746-7240 (non-official/draft), (703)746-7238 (after final).

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An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

*Chameli C. Das*  
Chameli C. Das

Patent Examiner

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2/23/03